

### REMARKS

Claims 11-19 have been examined, and claims 1-10 have been withdrawn from consideration for being directed to a non-elected species. Of the examined claims, claims 11-17 have been rejected under 35 U.S.C. § 102(b), and claims 18 and 19 have been rejected under 35 U.S.C. § 103(a).

#### **I. Request to rejoin claims 1 and 3**

In response to the Election of Species Requirement dated May 1, 2006, Applicants elected Species II (Figs. 14-24) and noted that at least claims 1, 3, and 11-19 read on the elected species. In the current Office Action, the Examiner has withdrawn claims 1 and 3 because they allegedly read only on Species I (Figs. 1-13). Applicants respectfully submit that claims 1 and 3 read on Species II.

For example, Fig. 14 shows an illustrative, non-limiting embodiment of a liquid injection head 16, which includes a liquid injecting surface and which is movable along a direction A in which the liquid injecting surface is extended. Furthermore, Figs. 14, 22, and 24 show a maintenance unit 110 which comprises a cap 113 that is placed in tight contact with the liquid injecting surface of the head 16 for defining a sealed space. Also, Fig. 14 shows that the liquid injecting head 16 is allowed to move toward or away from a contact position at which the cap 113 of the maintenance unit 110 is placed in tight contact with the liquid injecting head 16. Moreover, Figs. 18-22 and 24 show that the cap 113 is allowed to move along a direction H crossing the liquid injecting surface of the head 16 toward or away from the contact position at which the cap 113 is placed in tight contact with the liquid injecting surface. Finally, as shown in Figs. 16(a) and 17(a), the cap 113 is also allowed to move along the directions A and B with

respect to the casing main body 103. The direction B is perpendicular to the moving direction A of the liquid injecting head 16, and the directions A and B are both parallel to the liquid injecting surface. Therefore, the cap 113 is allowed to move along a direction crossing a moving direction of the liquid injection head 16 and in a plane parallel to the liquid injection surface.

As described above, claims 1 and 3 read on Species II. As such, Applicants respectfully request the Examiner to rejoin withdrawn claims 1 and 3 and examine them on the merits.

**II. Rejection under 35 U.S.C. § 102(b) over U.S. Patent No. 6,422,680 to Hayakawa et al. (“Hayakawa”)**

Claims 11-17 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Hayakawa.

**A. Claim 11**

Applicants submit that claim 11 is patentable over Hayakawa. For example, claim 11 states that a support member extends from the cap, and when the liquid injecting head is moved outside the liquid injecting zone, the cap is located at a set position at which the cap opposes the liquid injecting head and the support member contacts and supports a side surface of the liquid injecting head. On the other hand, when the liquid injecting head is moved in the injecting zone, the cap is placed at a reference position at which the cap and the support member are escaped from the path of the liquid injecting head so that the support member is prevented from interfering with the liquid injecting head.

In contrast, Hayakawa fails to disclose a support member that contacts and supports a side surface of a liquid injecting head when a cap is located at a set position. Hayakawa also fails to disclose that, when the liquid injecting head is moved in an injecting zone, the cap is

placed at a reference position at which the cap and the support member are escaped from a path of the liquid injecting head so that the support member is prevented from interfering with the liquid injecting head.

Accordingly, Applicants submits that claim 11 is patentable over the reference for at least the reasons presented above.

**B. Claims 12-16**

Since claims 12-16 depend upon claim 11, Applicants submit that they are patentable at least by virtue of their dependency.

**C. Claim 17**

Since claim 17 has been canceled without prejudice or disclaimer, the rejection of the claim is moot.

**III. Rejection under 35 U.S.C. § 103(a) over Hayakawa, U.S. Patent No. 5,504,508 to Hashimoto (“Hashimoto”)**

Claim 18 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayakawa and Hashimoto. Since claim 18 depends upon claim 11, and since Hashimoto does not cure the deficient teachings of Hayakawa with respect to claim 11, Applicants submit that claim 18 is patentable at least by virtue of its dependency.

**IV. Rejection under 35 U.S.C. § 103(a) over Hayakawa, Hashimoto, and U.S. Patent No. 6,688,730 to Asaki (“Asaki”)**

Claim 19 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayakawa, Hashimoto, and Asaki. Since claim 19 depends upon claim 11, and since Hashimoto

and Asaki do not cure the deficient teachings of Hayakawa with respect to claim 11, Applicants submit that claim 19 is patentable at least by virtue of its dependency.

**V. Newly added claim**

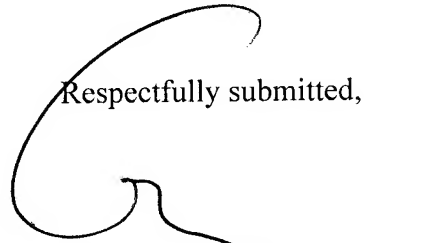
Applicants have added new claim 20. Since claim 20 depends upon claim 11, Applicants submit that it is patentable at least by virtue of its dependency.

**VI. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Grant K. Rowan  
Registration No. 41,278

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: January 31, 2007